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Entered on Docket  
March 13, 2009

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

5  
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In re:

15 USA COMMERCIAL MORTGAGE COMPANY,  
16 USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
17 USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
18 USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
19 USA SECURITIES, LLC,<sup>3</sup>

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Debtors.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO PROOF OF CLAIM  
OF LINDA MERIALDO LIVING TRUST  
DTD 8/6/02 FILED IN WRONG  
DEBTOR'S CASE; AND SUSTAINING  
OBJECTION OF DTDF TO PROPOSED  
ALLOWANCE OF CLAIM**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1        The Court having considered the "Objection of USACM Trust to Proof of Claim of  
 2 Linda Merialdo Living Trust DTD 8/6/02 Filed in Wrong Debtor's Case; Objection of  
 3 DTDF to Proposed Allowance of Claim" [Docket No. 6688] (the "Objection"); with  
 4 appearances as set forth in the record at the hearing noted above; appropriate notice of the  
 5 Objection having been given; no response to the Objection having been filed; and good  
 6 cause appearing:

7        **IT IS HEREBY ORDERED** that:

8        1.        The Objection is sustained;  
 9        2.        Proof of Claim No. 10725-00532 is disallowed in its entirety as against USA  
 10      Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");  
 11      and

12        3.        Linda Merialdo's equity interests in DTDF are allowed in the amounts of  
 13      \$192,189.29 as reflected in the books and records of DTDF as of April 13, 2006.

14      PREPARED AND RESPECTFULLY SUBMITTED BY:

15      **LEWIS AND ROCA LLP**

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32      *Attorneys for USA Capital Diversified  
 33      Trust Deed Fund, LLC*



1 APPROVED/DISAPPROVED  
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3 By: \_\_\_\_\_  
4 August Landis  
5 Assistant United States Trustee

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1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed  
4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the  
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7 appointed in this case, and each has approved or disapproved the order, or failed  
to respond, as indicated below (list each party and whether the party has  
approved, disapproved, or failed to respond to the document):

8 Debtor's Counsel:	9
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
10 U.S. Trustee:	11
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
14 Other Party	15
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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20 Submitted by:

21 **LEWIS AND ROCA LLP**

23 By: /s/ / John Hinderaker (AZ #018024)

24 Rob Charles

John Hinderaker

25 *Attorneys for USACM Liquidating Trust*